



Reprinted
February 1, 2002

HOUSE BILL No. 1083

DIGEST OF HB 1083 (Updated January 31, 2002 12:33 PM - DI 106)

Citations Affected: IC 33-4; IC 33-5; noncode.

Synopsis: Vigo superior court. Adds an additional judge to the Vigo superior court. Grants the Shelby circuit court concurrent jurisdiction with the Shelby superior court #1 to hear juvenile cases.

Effective: July 1, 2002; January 1, 2003.

Kersey, Ayres, Tincher

January 8, 2002, read first time and referred to Committee on Courts and Criminal Code.
January 28, 2002, amended, reported — Do Pass.
January 31, 2002, read second time, amended, ordered engrossed.

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HB 1083—LS 6718/DI 105+



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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1083

A BILL FOR AN ACT to amend the Indiana Code concerning
courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-4-6-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The Shelby circuit court has
3 concurrent, coordinate, and coextensive jurisdiction with the Shelby
4 superior court in the following:

- 5 (1) All civil actions and proceedings, at law or in equity.
- 6 (2) Divorce and special statutory proceedings and actions.
- 7 (3) Probate matters and proceedings.
- 8 (4) Actions by and against administrators, executors, guardians,
9 trustees, and other fiduciaries and personal representatives,
10 including will contests, actions to resist probate of wills, and
11 claims against estates.
- 12 (5) Criminal proceedings, actions and matters.

13 (b) The Shelby circuit court has concurrent, coordinate, and
14 coextensive jurisdiction with the Shelby superior court in all actions
15 and proceedings, at law or in equity, whether criminal, civil, divorce,
16 or other statutory matters, that are venued from other counties and from
17 any courts in other counties in Indiana.

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(c) The Shelby circuit court ~~does not have~~ **has concurrent, coordinate, and coextensive jurisdiction to file, hear, and determine juvenile proceedings or actions or other matters cognizable in the juvenile courts in Indiana. All juvenile jurisdiction is vested exclusively in the Shelby superior court. with Shelby superior court No. 1 in juvenile matters and proceedings.**

(d) The Shelby circuit court has concurrent, coordinate, and coextensive jurisdiction with the superior court of the county in all civil, criminal, and statutory actions and proceedings appealed from the board of commissioners, and any other board, inferior court, commission, agency, or officer in the county.

(e) In the exercise of its criminal jurisdiction, the circuit court may issue search warrants and warrants for arrest and any other legal process and find and determine all matters and facts necessary to the validity of warrants or other process under the Constitution of the United States, the Constitution of the State of Indiana, and the laws of this state.

(f) The circuit court has concurrent and coextensive jurisdiction with the superior court in any and all other matters, proceedings, acts, powers, and duties that are proper to be filed, tried, and determined in circuit courts and superior courts of general jurisdiction and are not specifically mentioned in this section.

SECTION 2. IC 33-5-39-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The courts have the same jurisdiction as the Shelby circuit court, except that **only** Shelby superior court No. 1 ~~has exclusive juvenile jurisdiction in the county.~~ **concurrent, coordinate, and coextensive jurisdiction with the Shelby circuit court in juvenile matters and proceedings.**

(b) Shelby superior court No. 2 has a standard small claims and misdemeanor division.

SECTION 3. IC 33-5-44.1-1, AS AMENDED BY P.L.45-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 1. There is hereby established a superior court in Vigo County, Indiana, which court shall consist of ~~four (4)~~ **five (5)** judges who shall hold their office for six (6) years if they behave well and until their successors have been elected and qualified. In addition to the ~~four (4)~~ **five (5)** judges, the judge of the Vigo circuit court may sit as a judge of said Vigo superior court as provided in this chapter.

SECTION 4. [EFFECTIVE JULY 1, 2002] **(a) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge added to the Vigo superior court by IC 33-5-44.1-1, as amended by**



1 **this act.**

2 **(b) The term of the initial judge appointed under subsection (a)**
3 **begins January 1, 2003, and ends December 31, 2004.**

4 **(c) The initial election of the judge of the Vigo superior court**
5 **added by IC 33-5-44.1-1, as amended by this act, is the general**
6 **election on November 2, 2004. The term of the initially elected**
7 **judge begins January 1, 2005.**

8 **(d) This SECTION expires January 2, 2005.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1083, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "JULY 1, 2002]:" and insert "JANUARY 1, 2003]:".

and when so amended that said bill do pass.

(Reference is to HB 1083 as introduced.)

DVORAK, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1083 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-4-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) The Shelby circuit court has concurrent, coordinate, and coextensive jurisdiction with the Shelby superior court in the following:

- (1) All civil actions and proceedings, at law or in equity.
- (2) Divorce and special statutory proceedings and actions.
- (3) Probate matters and proceedings.
- (4) Actions by and against administrators, executors, guardians, trustees, and other fiduciaries and personal representatives, including will contests, actions to resist probate of wills, and claims against estates.
- (5) Criminal proceedings, actions and matters.

(b) The Shelby circuit court has concurrent, coordinate, and coextensive jurisdiction with the Shelby superior court in all actions and proceedings, at law or in equity, whether criminal, civil, divorce, or other statutory matters, that are venued from other counties and from any courts in other counties in Indiana.

(c) The Shelby circuit court ~~does not have~~ **has concurrent, coordinate, and coextensive** jurisdiction ~~to file, hear, and determine juvenile proceedings or actions or other matters cognizable in the juvenile courts in Indiana. All juvenile jurisdiction is vested exclusively in the Shelby superior court.~~ **with Shelby superior court No. 1 in juvenile matters and proceedings.**

(d) The Shelby circuit court has concurrent, coordinate, and coextensive jurisdiction with the superior court of the county in all civil, criminal, and statutory actions and proceedings appealed from the board of commissioners, and any other board, inferior court, commission, agency, or officer in the county.

(e) In the exercise of its criminal jurisdiction, the circuit court may issue search warrants and warrants for arrest and any other legal process and find and determine all matters and facts necessary to the validity of warrants or other process under the Constitution of the United States, the Constitution of the State of Indiana, and the laws of this state.

(f) The circuit court has concurrent and coextensive jurisdiction with the superior court in any and all other matters, proceedings, acts, powers, and duties that are proper to be filed, tried, and determined in

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SECTION 2. IC 33-5-39-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The courts have the same jurisdiction as the Shelby circuit court, except that **only** Shelby superior court No. 1 has ~~exclusive juvenile jurisdiction in the county.~~ **concurrent, coordinate, and coextensive jurisdiction with the Shelby circuit court in juvenile matters and proceedings.**

(b) Shelby superior court No. 2 has a standard small claims and misdemeanor division."

Renumber all SECTIONS consecutively.

(Reference is to HB 1083 as printed January 29, 2002.)

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